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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.37 OF 2007

Smt.Anita Deepak Kirpalani Applicant
versus
Deepak Govindram Kirpalani Respondent

Mr.Bipin A. Jajoje for applicant.

CORAM : A.S.OKA, J.

DATE : 28th March 2007

PC :

1. Heard advocate for the applicant. The applicant is the wife of the respondent husband. In this application under section 24 of the Code of Civil Procedure, 1908 the first prayer is for quashing the proceedings of a petition for divorce filed by the respondent in the Family Court, at Pune. Under section 24 of the said Code, this Court cannot quash the proceedings of a matrimonial petition pending in the Family Court. Therefore, the said prayer cannot be granted. The second prayer is for transfer of the matrimonial petition filed by the respondent to the Family Court at Mumbai. The only ground

for transfer urged by the advocate for the applicant is that the Family Court at Pune has no territorial jurisdiction to entertain the petition. If this is the contention of the applicant, the same can always be raised by the applicant in the pending petition.

2. The applicant is a permanent resident of Singapore and therefore for her it makes no difference whether the matrimonial petition is pending in the Family Court at Mumbai or in the Family Court at Pune. The learned advocate for the applicant at this stage tried to submit that as the applicant's father is residing in Mumbai, it will be convenient for the applicant if the petition is transferred to Mumbai. I find that no such ground has been taken in the transfer application.

3. There is no merit in the application. Application is rejected.

4. In view of disposal of Miscellaneous Civil Application, Civil Application No.44 of 2007 does not survive and it stands dismissed as such.

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(A.S.OKA, J.)